

My name is Michael Mitre. I live and work in the Ports of Los Angeles and Long Beach, which represent the busiest seaports in America. Together they constitute the 3rd largest port in the world. The ILWU represents about 60,000 working Americans, not just in the longshore and maritime industry, but also in warehouse, hotel-restaurant, health care, mining, office clerical and a variety of other industries in California, Oregon, Washington, Alaska, Hawaii and Canada.

As the Director of Port Security for the ILWU, I have had the privilege to provide testimony to the U.S. Senate and advice to the U.S Coast Guard and other federal agencies concerning port security matters for the West Coast. West Coast facility operations are unique; the sheer volume of containers entered, stored, loaded and discharged is awesome. As a result, the enforcement of the MTSA regulations is going to be difficult. Over ten million containers were imported (through just fourteen terminals) into the port complex last year. The port infrastructure in Los Angeles and Long Beach is among the most heavily invested anywhere. West Coast marine facilities were constructed to meet an incredible volume demand that is unique. The Pacific Rim Supply Chain, the single largest mover of goods and products in the world, ships the lion's share of this cargo to just three West Coast ports. Over half of these goods are processed through the complex in Southern California alone.

I. SUMMARY OF COMMENTS

On March 14, 2004, terrorists were able to enter the port facilities in Ashdod, Israel concealed within a cargo container. They subsequently killed ten (10) dockworkers in this Israeli port. On April 28th of this year, a container exploded at the TRAPAC Container Terminal in the Port of Los Angeles. Fortunately, it was not an act of terrorism and no one was killed or injured. But this incident, as well as the one in Israel, characterizes the threat-potential, danger, & the continuing level of security deficiencies within the ports.

The incident in LA was caused by an export container that had been allowed entry under conditions contrary to and in violation of Coast Guard regulations, (as well as by established practice.) It contained over 900 bottles of flammable LPG gas as well as a small truck with a leaking gas tank. It arrived at the entry In-Gate without legally required HazMat placards. It should have arrived with the corresponding documentation detailing the hazardous contents. It didn't. The container doors should have been locked with a standard industry seal. They weren't. Upon entry into the terminal, the container should have been segregated from other cargo. It wasn't.

In fact, no placards were ever displayed; a violation of DOT required over-the-road regulations, as well as a violation of terminal and facility regulation and practice. Upon entry the documentation simply described the containers contents as -- "FAK" -- (freight of all kinds,) this

is a generic cargo description that is frequently used and doesn't require the containers contents to be listed. It is so generic that **it's no longer allowed to be used in conjunction with import cargo. Unfortunately, it is still allowed with "export cargo."** While the container doors had a seal, they also had a metal padlock, contrary to industry practice and something that always traditionally sets off alarm bells. The HazMat container was not segregated from other cargo, and was allowed to sit inside the port facility for three days, leaking flammable gas until the explosion.

The container exploded as it was being transported to the vessel for loading. A couple of minutes later and the dockworkers who routinely unlock the container from the chassis (next to the ship) would have been in the direct line of fire and could have been killed. Federal and state investigators at the scene remarked that, if the blast had occurred after loading aboard the vessel, it could have triggered further explosions of other containers containing flammable cargo. In addition to endangering and possibly even killing workers, the chain reaction could have sunk the ship.

At the time no one knew the cause of the explosion. No measures were taken to safeguard dockworkers or other terminal personnel immediately after the explosion. Who knew if it was terrorism? Was it biological or chemical? Who knew if a radioactive agent had been released? Despite all these possibilities, facility personnel milled around the blast site, uncertain and untrained in what to do. And all the while, the facility continued to receive and process additional cargo without pause.

This recent incident is a valuable lesson. When you consider the chain of events leading up to the incident, once again we find that our West Coast ports are not secure. Do not misconstrue this as an indictment of the local port authorities. In Southern California no one has worked harder than the Port of Los Angeles, along with the Coast Guard, to build relationships and create better security. One of the main problems is that prior to 9/11, a premium was never placed on security because no one really thought about it. Until fairly recently fences weren't a requirement, and at some places you could drive right up to the vessel. There certainly weren't cameras everywhere, and the ports were dark and sometimes dangerous places. Much has changed. Everyone is involved. But the fact remains that the attempt to build better security and protect ourselves has been a "band-aid" approach. I say this in the context that any future port expansion must be accompanied with a security and infrastructure "build-in." Until now it hasn't.

Port security equates to worker safety. In the event of a terrorist incident, the dockworker is the first one who is going to be killed or injured. Most dockworkers live within close proximity of the port and certainly within the impact-radius of any incident or explosion; be it chemical, biological or radioactive. We are talking about our families here, our children and

our homes. It is in our own best interest to make sure the ports are secure; our family's lives and our livelihoods are at stake. We are the front-line Homeland Defense and we know who belongs on the terminals and who doesn't. Most of all, we know what it takes to secure them. Our commitment to port security is real, and it is not watered-down or diluted by cost or commercial concern.

Despite everything that has happened, America's seaports remain vulnerable. Some of the gaps and loopholes are glaring – and continue uncorrected. Some have actually gotten worse since September 11th.

One of the major problems has been the lack of funding and infrastructure. The overarching problem we now face is making the enforcement mechanism effective and capable of ensuring that essential port security measures mandated by Congress are fully implemented. However, the Coast Guard is a waterside and vessel enforcement specialist. They are not a "landside" or "terminal" enforcer of container terminal regulations and operations. What is going to be the USCG's defined enforcement role and how is it going to differ from the past? How is the USCG going to "force" terminal operators to conform? What is going to be the compliance trigger if and when terminal operators are found to be non-compliant? Most importantly, "who is going to create the procedures and protocols to instruct the Coast Guard in the basics of terminal operations? Effective port security regulation compliance will require a comprehensive, fully funded, land-side compliance program employing large numbers of Coast Guard personnel who must be trained in terminal container operations and complex information systems format. This is a complex industry, and the volumes are astronomical.

Security mandates may impose significant and additional operating costs on the maritime industry. However, port facility operators have repeatedly refused requests to implement some of the following, all of which are mandated by the Coast Guard regulations, because of cost and/or commercial concern:

1) Access control procedures for the positive identification of people, vehicles and cargo before entering a port facility must be immediately implemented as required by regulation 33 CFR ' 105.255(a), (e)-(g), and 105.265 (a)-(d) – Presently, truck drivers are the largest single occupational group working within the terminals. Access is granted with little authentication of identity and virtually no inspection of their "sleeper cabs," which frequently house friends and family. Ironically, these drivers, once inside the terminals, have unlimited access to all areas of the terminals without oversight or supervision. Any of the fourteen terminals in the Ports of LA/Long Beach may have hundreds of drivers on each of the terminals at any one time.

2) Complete documentation of cargo must be confirmed before entering a facility as required by regulation 33 CFR ' 105.255(c) and ' 105.255(e)(1), (3). – Presently, cargo is received with

missing or incomplete documentation; but the cargo is allowed to enter with a STC (said to contain) designation or with the ambiguous “FAK – freight of all kinds” which often means there will be NO LISTING OF CONTENTS AT ALL. This container is allowed to be “entered” into the facility without ever knowing what is inside.

3) Proper documentation, placarding and separation of all dangerous cargo and hazardous material must be performed as required by regulation 33 CFR ' 105.265(a)(9). – Presently, hazardous cargo is frequently unmarked and integrated with other cargo;

4) The integrity and correctness of all seals on containers must be checked as they enter a port facility and as they are placed in inventory on the docks to detect and deter any tampering, as required by regulation 33 CFR ' 105.265(b)(4) and 105.265(c)(4). Presently, this is not being done at most port facilities. In fact, since September 11, many facility operators have discontinued past practice of checking these seals.

5) All port workers must be trained as to the basic requirements of the port facility security plan, the detection of security problems and, most importantly, the proper response and evacuation procedures during a security incident as required by regulation 33 CFR ' 105.215. -- as of today, port facility operators refuse to share with dockworkers any parts of their security plans on grounds of “confidentiality”; Dockworkers cannot protect themselves or our ports if they are excluded from security initiatives.

Many of these are relatively low cost, yet potentially high yield issues. If facility operators cannot see and understand even the simplest of common sense solutions, how difficult is enforcement of the new regulations going to be? Many of the new regulations are much different than traditional practice. For example, denial of entry of containers without sufficient information or documentation has not previously been done. For years, containers have been “entered” awaiting further information and/or documentation.

Facility operators allege that compliance with the MTSA regulations is not technically required until July 1, 2004. However, many of the regulations are basic security measures. They should be implemented without waiting for an arbitrary technical compliance date. What may be more disturbing is that we have seen little or no physical or operational preparation, nor any formal training of dockworkers regarding the July 1 implementation date.

While most of the deficiencies in port security can be corrected through continuous and rigorous enforcement of the Coast Guard regulations, there are at least two additional security measures, not specifically covered in the regulations that should be immediately implemented in order to protect our ports.

- **EMPTY CONTAINERS-** The inspection of all containers marked as “empty” upon entering a port facility is a no-brainer. On any given day, as much as forty percent of the containers delivered into West Coast ports consist of “empty” containers. Many facility operators presently receive and process “empty” containers without confirming that they are truly empty. Containers marked as empty provide a golden opportunity. The good news is that unlike containers filled with cargo, the inspection of empty containers is quick and easy. It is a relatively cheap and painless way of confirming the absence of a dangerous substance or device, and the absence of persons illegally attempting to gain access. This, of course, makes the inspection of “empty” containers all the more compelling and an absolute necessity in any port security program. *There have been assertions made by industry officials that all West Coast terminal operators are inspecting empty containers. This is simply not true. The ILWU has furnished the Coast Guard with formal letters from both stevedores and terminal operators informing the union that, at certain facilities, empty containers will no longer be inspected.*
- **24 ADVANCE NOTICE “EXPORT CARGO”** - Requiring the proper documentation of export cargo 24 hours in advance of its receipt at the port facility is logical and follows the rule for import cargo. While U.S. Customs requires twenty-four-hour advance notice of the contents of all containers arriving aboard vessels, *see* 19 CFR 4.7(b), current federal regulations require no comparable notice for export containers arriving by truck or rail. Imposing a 24-hour detailed notice rule on inbound cargo, but not trucks or trains delivering “outbound export cargo” into the terminals makes little sense. Requiring such notice would provide facility personnel additional time to spot errors relating to the misidentification of cargo, fix the honest mistakes, and determine what containers require further inspection. It would also lead carriers to spot more unidentified HazMat materials before they are transported.

It is important to understand that while “empty” containers and export cargo are ultimately destined for other countries, they also pose immediate security risks for our seaports and the country. This is a national security issue for two reasons:

1. Once the cargo within the container has been unloaded at its eventual destination, there is no system, protocol, or requirement in place making the last shipper responsible for closing and sealing the doors. As a result, this empty container will travel over-the-roads of the U.S. unlocked and open. It may serve as a platform or vehicle for anything or anyone who may desire to do harm to our country. It may lie unattended on city streets or even within the port for days or even weeks until it is returned to the terminal for shipment (usually back to Asia.) Who knows what has been stored or smuggled inside? Who knows what kind of plan someone may come up with utilizing this empty container?

2. Once loaded onto a vessel, empty containers travel with that vessel between and among U.S. ports until they are eventually off-loaded, whether in a foreign port, or still here in the U.S. At any point along the vessel route, a weapon of mass destruction, planted inside an “empty” container or among export cargo, could be later detonated at the next American port-of-call. The Al Qaeda terrorists executed their September 11 attacks from within the United States. The same strategy may well be used again and should be anticipated. Prevention with respect to cargo and containers in our marine transportation system depends on a thorough knowledge of containers and cargo handling methods and operations. The 9/11 terrorists exhibited an amazing ability to gather intelligence, and then plan, fund and execute a successful operation. The defense of our country demands no less.

II. The April 28, 2004 Explosion at Trapac in Long Beach Exposes Current Deficiencies and Loopholes in Port Security That Must Be Corrected

The container that exploded at the TRAPAC facility had been transported across the State of California without “HazMat” placards or paperwork even though it contained hazardous materials; bottles of LPG butane and a pick-up truck with a leaking gas tank. The container arrived at the facility with a non-standard seal and ambiguous paperwork; the contents were not identified or listed. The in-gate automated system, which has replaced the gate clerk, reported to remote located personnel that the container had arrived and assigned it a parking spot next to other containers awaiting vessel load-out. The remotely sited clerk never “saw” the container. She never knew it arrived without placards, and she wasn’t furnished a list of contents. She was not aware of the (2) different commodities of HAZ-MAT cargo loaded inside; a small vehicle with a leaking gas tank placed next to butane gas. In fact, her computer screen showed very little information. Without the human presence, how can anyone reasonably expect that this will not occur again? Terminal management must reformat entry systems to insure that a container’s contents, HazMat materials, and any other dangerous or threatening commodity or information is furnished to whoever is “receiving” the cargo and that it’s easily identified.

The container at the Trapac facility did have a seal. But contrary to the industry standard; it was locked with a personal padlock. The booking information contained no description of the containers contents, only a FAK moniker. Despite this lack of information and the unusual presence of a personal padlock, the container was permitted to enter the facility where it was stored for three days.

The disorder that ensued after the explosion occurred because there was no clear procedure in place for responding to such an incident. In addition, no one at Trapac knew what the container contained, including whether it may have been biological agents or hazardous

substances that may have been released into the atmosphere by the explosion. Nonetheless, Trapac did not evacuate the facility or even stop new cargo from entering the gate. Workers milled around the site looking into the container until the ILWU agreed to shut down the facility pending investigation.

The ports must be made more secure. However, rather than take steps to improve port security and comply with the Coast Guards regulations, some facility owners and operators are violating the regulations and have gradually watered-down the screening processes by automating more steps and eliminating actual inspections by human beings. Facility owners and operators seem to want to remove themselves from the responsibility of knowing the contents of the containers that enter and leave their facilities. By failing to take responsibility and comply with the federal regulations that require them to take responsibility, facility owners and operators are placing the lives of dockworkers and surrounding communities at risk.

III. Facility Owners and Operators Violation of Existing Port Security Regulations

A. Not Implementing Measures to Screen Materials Entering the Facility.

Port security regulations require facility owners and operators to ensure the implementation of security measures to:

- (1) Deter the unauthorized introduction of dangerous substances and devices...
- (2) Secure dangerous substances and devices that are authorized by the owner or operator to be on the facility and,
- (3) Control access to the facility.

33 CFR ' 105.255(a). Specifically, facility owners and operators must, among other things screen vehicles and cargo entering the facility including performing visual inspections of cargo when appropriate, prevent unauthorized cargo from entering the facility and check seals. *Id.* ' ' 105.255(e)-(g), 105.265(a)-(d).

But rather than take steps to implement these regulations, many facility owners and operators are doing nothing. Worse yet, some are reducing the amount and quality of screening that is performed. At many facilities within the Ports of Long Beach and Los Angeles, when a truck arrives at the gate to enter a facility, a clerk performs very little or no screening at all before permitting the truck to enter. A clerk housed in a remote location checks the chassis number and container number using a stationary video camera positioned at the gate and asks the driver for the number indicated on the seal attached to the container. The clerk does not visually inspect the seal to determine whether it is attached to the container or whether the seal is intact and unbroken. The clerk also does not check to ensure that the number on the seal on the container matches the seal number indicated in the booking. These procedures violate the

regulations requiring that facility owners and operators ensure that seals are checked. What is more, many of these checks were ones previously conducted by entry gate clerks. However, as a consequence of increased automation, containers without seals or with broken seals can and do enter facilities every day.

Clerks also are unable to verify the contents of a container or check the delivery note against cargo documents, as the regulations require. Often, a clerk has no access to a record of the contents of the container. Frequently, the booking information available to the clerk merely says FAK. The clerk has no way of knowing whether a container actually includes hazardous or dangerous materials. Previously, clerks had access to more information about the contents of containers. Under new systems, clerks located in remote towers and booths actually have less access to information now. Facility operators have chosen to program the systems so as to make this information unavailable.

This lack of information was a direct cause of the container explosion on April 28. The booking information available to the clerk was only FAK. Had the clerks at the entry gate had access to detailed information about the container's contents, they could have checked this information and determined that the container included hazardous materials, inspected its contents, secured them properly and placarded the container as hazardous, thereby preventing the explosion that occurred.

What is more, when delivery documentation appears inconsistent or inadequate, the standard practice at many facilities is to permit the container to enter the facility with a "dummy" booking and then resolve the issues once the container is inside. Thus, containers with unknown contents and unknown designations for loading are stored at facilities without restriction for several days. This practice is an obvious violation of the new regulations.

B. Facility Owners and Operators are not Implementing Measures to Screen People Entering the Facility.

Facility owners and operators also must establish an identification system . . . for checking the identification of facility personnel or other persons seeking access to the facility. @ *Id.* ' 105.255(c). Specifically, facility owners and operators must screen persons . . . and vehicles . . . for dangerous substances and check the identification of any person seeking to enter the facility, including examining some form of identification. *Id.* ' 105.255(e)(1), (3).

As with cargo screening, facility owners and operators have watered-down the screening of people entering facilities, particularly truck drivers. At some facilities no one checks to make sure that truck drivers are who they say they are. At another facility, the drivers entering the facility swipe their license, then pull up to a telephone stand where a clerk at a remote location

asks the driver to verbally provide his or her security identification number. However, clerks do not have access to a database to determine whether the identification number and drivers license information match the same driver. Further, no one at the facility checks to ensure that the photograph on the license matches the driver of the vehicle. Thus, a driver can easily enter a facility using false identification. A staff member at one facility remarked that he believes that approximately half of the California licenses swiped at the entry gate are fraudulent.

Even worse is the fact that there is no requirement to inspect the interior of the thousands of trucks, (especially the “sleeper cabs,”) that enter these facilities everyday. A person or persons could easily be smuggled into one of our marine facilities in a “sleeper,” not only without having to show identification, but with no record of them ever appearing at the facility entrance.

C. Facility Owners and Operators Are Not Implementing Measures to Check and Track Dangerous Cargo once it Arrives at the Facility.

The regulations require that facility owners and operators track dangerous cargo once it enters a facility. Facility owners and operators must create, update, and maintain a continuous inventory, including location, of all dangerous goods or hazardous substances from receipt to delivery within the facility, giving the location of those dangerous goods or hazardous substances. 33 CFR ' 105.265(a)(9).

At many facilities, personnel do not know whether a container includes dangerous or hazardous substances. As discussed above, clerks at the entry gate often have no access to information about a container’s contents. They must blindly trust that the shipper has correctly identified the contents as non-hazardous. However, as the Trapac explosion revealed, shippers do not always mark containers appropriately. Regulations and common sense require that facility owners and operators take reasonable steps to catch these inaccuracies.

The failure to verify cargo entering the facility resulted in an explosion that could have been catastrophic. As discussed above, the container was scheduled to be placed on a vessel below another containing highly flammable material. Had the explosion occurred only minutes later aboard the ship, many lives, thousands of tons of cargo and the entire vessel could have been lost.

Further, facility owners and operators at many facilities fail to track even those containers that are properly marked as containing hazardous materials. At approximately half of the facilities in the Port of Long Beach, the planners determine where containers will be stored in the yard and where they will be placed aboard vessels and trains. The problem is that they have no access to information indicating whether a container contains hazardous materials. This is a

violation of the regulations.

D. Facility Owners and Operators Are Not Implementing Measures to Check The Seals of Containers For Possible Tampering

The regulations require facility owners and operators to routinely check containers, including their seals, once the containers arrive at the facility as well as when placed in inventory on the dock to prevent tampering. *Id.* ' 105.265(b)(4) and 105.265(c)(4). Facilities in the Ports of Los Angeles and Long Beach have no system in place to ensure that these checks are performed. In fact, recently, and since September 11, facility operators have actually discontinued the prior practice of checking the integrity of container seals as they enter the terminal from inbound vessels.

E. Facility Owners and Operators are Not Training Personnel in Port Security.

The regulations require that all facility personnel, receive training in,

- (1) Relevant provisions of the Facility Security Plan (FSP);
- (2) The meaning and the consequential requirements of the different MARSEC Levels as they apply to them, including emergency procedures and contingency plans;
- (3) Recognition and detection of dangerous substances and devices;
- (4) Recognition of characteristics and behavioral patterns of persons who are likely to threaten security; and
- (5) Techniques used to circumvent security measures.

See 33 CFR ' 105.215.

Facility owners and operators should be, but are not providing training on these topics or taken any actions to educate personnel about them. To the contrary, owners and operators have taken the position that their FSPs are confidential and cannot be released to anyone including their own employees. It is meaningless to have Coast Guard-approved security plans if the very employees who must follow and implement the plans are not permitted to know what they contain. Therefore, the ILWU has taken the lead and in coordination with the local fire departments, is working to formulate training criteria.

The failures that occurred at Trapac must not be repeated. Personnel simply did not know how to respond. Trapac did not evacuate the facility or even stop operations despite the fact no one knew the cause of the explosion or whether the container held toxic substances. The ILWU finally suggested closing the facility until there were some assurances of safety.

IV. In Order to Comply with the Regulations, Facility Owners and Operators Must Intensify Screening and Increase Employee Access to Information.

The following are some of the procedures that facility owners and operators must implement in order to comply with the regulations. As indicated below, many of these are actions that were previously performed by facility operators and have been eliminated as a consequence of systems automation.

A. At the Entry Gate:

- Require guards to check the “sleeper cabs” of all trucks entering the facility for people and potentially dangerous substances.
- Provide clerks working the entry gate with access to a database that can match driver’s licenses with a driver’s security identification number. (Previously done at facilities)
- Require personnel to ensure that these identification materials match before permitting a driver to enter a facility. (Previously done at facilities)
- Require visual inspection and photo match-up of the driver’s license of each driver entering the facility. (Previously done at most facilities)
- Require a visual inspection of the seals on all containers entering the facility to ensure that the seals are present, unbroken and match the seal information contained in the booking. (Previously done at most facilities)
- Require visual inspection of the contents of a container whenever a clerk finds that a seal is absent or broken or doesn’t match the information in the booking. (Previously done at most facilities)
- Provide clerks with access to computer screens that list the contents of all containers entering the facility and require clerks to review the list of contents of each container. (Previously done at most facilities)
- Outlaw the FAK cargo designation altogether. There is no reason that import cargo should outlaw it, yet export cargo is still using it.
- Send a driver to the “trouble window” for additional investigation including visual inspection of cargo in the event information in the booking does not match the

information presented, or if the booking contains incomplete information.
(Previously done at most facilities and currently done at some facilities now.)

B. Within the Facility:

- Provide yard, vessel and rail planners with access to information about the contents of all containers, including containers containing hazardous materials or dangerous substances. (Previously done at most facilities)
- Use the existing systems to continuously inventory and track all containers containing hazardous materials and dangerous substances. (Previously done at most facilities)
- Require that staff inspect the seals on containers at designated intervals and before the containers are loaded onto vessels or trains for transport to ensure that seals are present, unbroken and match the information in the bookings. (Previously done at most facilities)
- Perform random visual inspections of the contents of containers containing both hazardous and non-hazardous substances to ensure that the contents match the description of the contents contained in the booking.

C. Training

- Immediately provide security training to all facility personnel.
- Make the FSP available to all facility personnel who will be responsible for its implementation including foremen, chief supervisors and stewards.

V. The Existing Regulations Must Be Enhanced To Require 24 Hour Advance Documentation of Export Cargo and the Inspection of Containers Marked As “Empty” and are insufficient.

Forcing the terminal facility owners and operators to comply with the existing regulations would go a long way toward making the Ports of Long Beach and Los Angeles safer and more secure. However, additional regulations are also needed to assist in the screening of cargo entering the facilities.

While U.S. Customs Service regulations require twenty-four-hour advance notice of the contents of all containers arriving aboard vessels, *see* 19 CFR ' 4.7(b), federal regulations require no comparable notice for containers arriving by truck or rail. Further, Customs

regulations require that the notice for all containers arriving by vessel include a detailed description of the container's contents. *Id.* ' 4.7a(c). Customs regulations expressly state that generic descriptions, specifically those such as FAK (freight of all kind), and STC (said to contain) are not acceptable when used with import cargo. By contrast, containers arriving by truck or rail designated for export can and often are marked generically, like the container marked FAK that exploded at the TRAPAC facility.

Imposing a "24-hour advanced notice rule" on containerized imports arriving aboard vessels, but not on outbound "export" cargo and containers transported into the facilities aboard trucks and trains makes little sense. History has painfully demonstrated that acts of terrorism can be launched from within our borders as easily as they can be launched from outside the country. In fact, many of the terrorist models put forward today maintain the threat may more likely come from within the country from a group or person already located here. The regulations not only fail to sufficiently guard against the internal threat, they actually might facilitate just such an incident. This places not only the ports and surrounding communities at risk, but also places the entire nation at risk because of vague identifiers and cargo designations such as the "FAK" and "STC." They lead to the unmonitored transport of hazardous substances over public highways in virtually every state in the nation. Indeed, the container that exploded at the TRAPAC marine facility could have just as easily exploded on such a public highway.

The federal regulations should be amended to require **24 hr.** advance and detailed notice of the contents **of all containers** entering U.S. marine terminals and facilities. Such a notice would provide facility personnel the additional time necessary to spot errors relating to the misidentification of cargo, fix those that are mistakes and determine what containers require further inspection. It would also lead carriers to spot more unidentified HAZ-MAT materials before they are transported at all.

In addition to seal inspection and documentation definition, we urge this Committee to advocate for a new regulation mandating the routine inspection of all cargo containers marked "empty," and as referred to in ' 105.265(b). The proper handling of empty containers is often overlooked and under-rated. It is a serious and real risk to U.S. terminals, ships and infrastructure. On any given day as much as forty percent of cargo delivered into any facility is comprised of empty containers being recycled back to the Pacific Rim. Containers marked "empty" provide an easier opportunity to house a destructive or explosive device or material and therefore, present an increased security risk warranting their inspection at port facilities. The good news is that unlike containers filled with cargo, empty containers can be inspected easily and quickly. It is relatively inexpensive, and at most facilities it would take no more than ordering a person already employed to do this. The time frame is about 60 seconds.

The physical inspection of all container seals, the verification of containers marked “empty” as well as the requirement that documentation, 24 hours in advance preceding the arrival of export cargo, are vital to an effective port security program.

VI. Congress Must Adequately Fund Coast Guard Enforcement of MTSA and Related Infrastructure Needed to Implement and Enforce Port Security Regulations

All the words and rhetoric of the MTSA and Coast Guard regulations are relatively meaningless without proper follow-through and enforcement. Our U.S. ports have become the gateway of our new “import” economy. Effective port security requires a comprehensive and fully funded “landside” compliance program. It will mean employing greater numbers of Coast Guard personnel trained in the particulars of marine terminal operations, new marine terminal systems technology, and the complex and intricate methodology of cargo and container terminal “throughput.” Only through proper funding, training and implementation will America will truly be committed to developing a progressive and effective Port Security Program